

# Montana State Legislature

**2015 SESSION**

## **ADDITIONAL DOCUMENTS**

**Business Page**

**[Signed by Chairman]**

**Roll Call**

**Standing Committee Reports**

**Tabled Bills**

**Fiscal Reports**

**Rolls Call Votes**

**Proxy Forms**

**Visitor Registrations**

**\*Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

**\*Witness Statements that were not presented as exhibits.**

**Montana Historical Society Archives**

**225 N. Roberts**

**Helena MT 59620-1201**

**2015 Legislative**

**E-Document Specialist Susie Hamilton**

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
64th LEGISLATURE - REGULAR SESSION**

**HOUSE FISH, WILDLIFE AND PARKS COMMITTEE**

**Date:** Tuesday, February 10, 2015  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 152

**BILLS and RESOLUTIONS HEARD:**

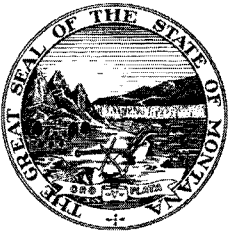
SB 21 - Provide for mandatory penalty for misuse of replacement fish and game license - Sen. Jill Cohenour  
SB 154 - Require hunter orange for under 18 hunters - Sen. Scott Sales

**EXECUTIVE ACTION TAKEN:** None

**Comments:**



REP. Kelly Flynn, Chair



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## FISH, WILDLIFE & PARKS COMMITTEE

### ROLL CALL

DATE: Tuesday, Feb. 10, 2015

NAME	PRESENT	ABSENT/EXCUSED
REP. JEFFREY WELBORN, VICE CHAIRMAN		✓-e
REP. JEAN PRICE, VICE CHAIR	✓	
REP. KERRY WHITE	✓	
REP. G. BRUCE MEYERS		✓-e
REP. BRIDGET SMITH		✓-e
REP. KIRK WAGONER		✓-e
REP. ED LIESER	✓	
REP. STEPHANIE HESS		✓-a
REP. ZACH BROWN	✓	
REP. MARK NOLAND	✓	
REP. ROB COOK		✓-a
REP. TOM JACOBSON	✓	
REP. BOB BROWN	✓	
REP. CLAYTON FISCUS	✓	
REP. ANDREW PERSON	✓	
REP. RAY SHAW	✓	
REP. VIRGINIA COURT	✓	
REP. RANDALL PINOCCI	✓	
REP. KELLY FLYNN, CHAIRMAN	✓	

19 MEMBERS

✓

✓

✓

✓

✓

Wagner ✓ - exc.

**HOUSE FISH, WILDLIFE AND PARKS COMMITTEE**  
**Tuesday, February 10, 2015**

**Sponsor: Sen. Scott Sales**

[illegible]

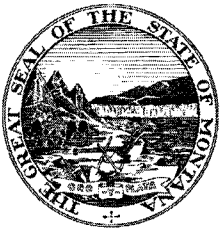
**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**HOUSE FISH, WILDLIFE AND PARKS COMMITTEE**  
**Tuesday, February 10, 2015**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



*The Big Sky Country*

**ADDITIONAL  
DOCUMENTS**

## MONTANA HOUSE OF REPRESENTATIVES

### Witness Statement

### FISH, WILDLIFE & PARKS COMMITTEE

PLEASE PRINT

NAME: Jay Ramlo

ADDRESS: 1 Capital Ct. Helena mt

DATE: 2-10-15

WHOM DO YOU REPRESENT? Self

SUPPORT: \_\_\_\_\_ OPPOSE: X AMEND: \_\_\_\_\_

COMMENTS:

As a 58yr hunter and 42 year Hunter Education Instructor  
I oppose SB 154. I personally know of 2 people  
killed in mistaken for game accidents, & Tom Kelsey  
of Libby died 11-5-61, Roger Wagner of Helena died 11-21-99  
Kelsey was a family friend, Wagner was a former student  
of mine.

*Jay M Ramlo 2-10-15*

[illegible]

## Simulated Wildlife Policy and Guidelines

**ADDITIONAL  
DOCUMENTS**

### Purpose

The Enforcement Division has adopted the use of Simulated Wildlife as a technique to enhance the overall law enforcement efforts. Simulated wildlife operations may be used to discourage unlawful activities through the deterrent effect as well as to apprehend violators without the loss of wildlife. The use of simulated wildlife can be utilized to:

- apprehend blatant violators
- protect private property and promote landowner/agency/sportsmen relations
- prevent the needless loss of illegally taken wildlife
- collect information regarding hunter compliance rates
- promote fair chase and good sportsmanship
- educate the public about problems encountered by wardens
- serve as a deterrent to potential violators when they see wildlife
- focus enforcement efforts in high violation area's

**AUTHORITY: MCA 87-3-109(1)** *It is unlawful for a person to discharge a firearm or other hunting implement at a simulated wildlife decoy in violation of any state statute or commission rule regulation the hunting of the wildlife being simulated when the simulated wildlife is being used by a certified peace officer.* (Subsections 2 & 3 are Penalty and Restitution)

**The following policy and guidelines regulates the use of Simulated Wildlife.**

**1. ADMINISTRATION OF SIMULATION:**

- A. Participating officers must have been instructed in the safe and proper use of simulated wildlife
- B. All simulated wildlife operations will be conducted by a team leader who is a game warden and experienced in the proper use and application of simulated wildlife operations. Team leaders will be responsible for the decoy operation in its entirety to include policy adherence, operational briefing, documentation, site selection and public and officer safety.

**2. PLACEMENT OF THE SIMULATION:**

- A. Areas selected are generally locations where there are existing problems, public complaints, or landowner requests due to illegal activities.
- B. The location should be inspected prior to operation during daylight hours
- C. There must be a safe backstop behind any and all simulated wildlife
- D. The location where vehicles are likely to stop must be visible to traffic from both directions for motorist safety. Simulated wildlife

operations should be positioned where backside shooting is not probable.

- E. Use of decoys on private property requires permission of the landowner or person controlling the land.
- F. Personnel involved in the operation should take into account the following: road conditions, weather, visibility, traffic, personnel available and the area behind S.W. in placement process. At the time when a S.W. operation no longer is safe to run, discontinue.

**3. SAFETY:**

- A. Personnel who position the simulated wildlife in the field should wear hunter orange or reflective vests.
- B. During set up or takedown of the simulated wildlife one officer must remain in full view of the roadway. A patrol vehicle should be near the roadway to warn oncoming traffic and provide additional officer safety.
- C. At a minimum, a team leader and at least one uniformed officer may set up a simulation. Sufficient personnel must be available to handle the expected traffic and keep the operation safe. Officers may use the help of other dept. personnel, peace officers or volunteers as observers.
- D. Each operation must include at least one vehicle which complies with state law for police vehicles. MCA 61-9-402
- E. Radio communication between vehicles and ground personnel is required of all operations.

**4. GENERAL GUIDELINES:**

- A. A report of each operation must be submitted to the warden captain with the monthly reports
- B. Trophy simulations are not generally used but are appropriate in some resource protection situations. A consultation with the local prosecutor is advised prior to Trophy simulations.
- C. Generally a simulated wildlife operation will be set up in a way in which there is no legal way to take the simulated animal. Examples of this could include: Night operations, closed season, posted private property, not legal antler or horn portrayals, permit only areas, etc.
- D. Realize that there is inherent danger with simulated wildlife operations, officers, volunteers and other personnel should be instructed in proper legal and safety precautions.
- E. When possible, photographs or video of the set-up or operation is encouraged.
- F. When legitimate hunters or members of the public are encountered on an operation, make every effort to explain what the operation is about, thank them for not violating and politely ask them to safely move away from the law enforcement activity in progress.
- G. Request restitution via the J.P. when a violator shoots at S.W.

**5. APPROVAL:**

The regional supervisor, warden captain, or warden sergeant must be notified prior to and give approval of each operation.

**ADDITIONAL  
DOCUMENTS**

House Bill 292  
February 5, 2015  
Presented by Jim Kropp  
House Fish, Wildlife & Parks Committee

Mr. Chairman and committee members, I am Jim Kropp, Chief of Law Enforcement for the Montana Department of Fish, Wildlife and Parks (FWP). I am here today on behalf of the Director in opposition to House Bill 292.

The use of simulated wildlife or decoys has proven itself to be an effective tool to stem unlawful taking of wildlife in a number of illegal situations. Decoys are used specifically in places where there have been problems with trespass, shooting from the road or a vehicle, taking of animals not legal under district regulations or shooting before or after legal shooting hours. They are not utilized to create situations where a person, by shooting at the animal, could otherwise legally take the animal.

Rather, decoys are directed at habitual offenders and poachers who are focused on taking an animal regardless of the situation. They shoot first and think later. As a result, many of the decoys that are shot, upon reasonable observation, are not all that authentic in appearance. Law abiding hunters, in sharp contrast, think first and end up driving on by. The use of decoys is an efficient means to stemming unlawful activity, and provides a means of curtailing poaching without the loss of a living animal.

The bill prohibits the use of simulated wildlife during the authorized hunting hours of any hunting season. It would eliminate an important tool to curtail willful violations such as shooting from roads of vehicles, hunting without landowner permission, and a host of other violations that occur regardless of the time of day. We urge a Do Not Pass on HB 292, and we will be available for questions.

# ADDITIONAL DOCUMENTS

## House Fish, Wildlife and Parks Committee Information Requests Regarding Simulated Wildlife

### SIMULATED WILDLIFE USE POLICY

Simulated wildlife policy is covered under the Law Enforcement Divisions Red Policy Manual. This manual provides official guidance for a range of activities which present high levels of risk liability. The policy as printed refers to 87-3-109(1) as the statute under which this activity occurs. However, in 2011 this law moved to 87-6-217 as a part of the larger reorganization of FWP penalties enacted by the Montana Legislature.

### COST

The operation of simulated wildlife is prioritized along with other routine law enforcement activities. As such, the costs for utilizing simulated wildlife are not accounted for separately from other patrol duties. However, given the activity involved, a general cost break could be assumed from the time and resources required. The numbers below are very approximate and based on two wardens operating a decoy for 4 hours during a regular duty period. Mileage is based on the assumption that the decoy is being utilized in the home district of one warden and the support warden is traveling to assist.

4 Hours decoy operation.

• \$23.35 average cost per hr. X 2 Wardens X 4 hrs.	\$93.42
• \$.048 per mile; warden 1 50 miles @ \$24.00; Warden 2 100 miles @\$48.00	\$72.00
<hr/>	
Total wages and mileage	\$259.00

### OTHER ISSUES

- A person cited for shooting simulated wildlife is cited under 87-6-217 MCA and penalties are the same as would be imposed for unlawfully shooting a live animal:

**87-6-217. Shooting at simulated wildlife.** (1) A person may not discharge a firearm or other hunting implement at a simulated wildlife decoy in violation of any state statute or commission rule regulating the hunting of the wildlife being simulated when the decoy is being used by a certified peace officer.

(2) A person convicted of a violation of this section is subject to the same penalty as prescribed for the state statute or commission rule violated during the attempted hunting of the actual wildlife being simulated. In addition, the person shall pay restitution of \$50 to the department for the repair of damages to simulated wildlife decoys.

100-443886-1